

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

306

CRM-M-8649-2024

Date of decision: 29.04.2024

Shubham Kumar @ Subham Kumar and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurpreet Jayia, Advocate for
Mr. N.C. Manchanda, Advocate
for the petitioners.

Ms. Trishanjali Sharma, DAG, Haryana.

Mr. Maman Khetarpal, Advocate for
Mr. Shauray Dua, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition is for quashing of FIR No.74 dated 09.04.2017 under Sections 148, 149, 294, 323, 452 and 506 read with Section 34 of the IPC registered at Police Station Kalayat and Section 325 of the IPC added lateron along with all consequential proceedings arising therefrom including judgment/order of conviction dated 01.12.2022/02.12.2022 passed by JMIC, Kaithal on the basis of compromise dated 24.12.2022 (Annexure P-5) and for compounding of offences accordingly.

2. Learned counsel for the petitioners submits that the parties have arrived at an amicable settlement subsequent to the conviction of the petitioners in above mentioned case FIR. In support of his submissions, he has placed reliance upon judgment of this Court in

Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102 and Hon'ble Supreme Court in ***Criminal Appeal No.1393 of 2011 titled as 'Ramawtar Vs. State of Madhya Pradesh'*** ***decided on 25.10.2021 : LL 2021 SC 589*** wherein it has been held that the powers of the Court under Section 482 of the Cr.P.C. can be invoked to quash a complaint/FIR on the basis of a voluntary compromise even at the post conviction stage.

3. Vide order dated 26.02.2024 of this Court, the parties were directed to appear before the Lower Appellate Court on 22.03.2024 to get their statements recorded regarding the compromise arrived at, between them.

4. Report has since been received from learned Additional District and Sessions Judge, Kaithal, in pursuance of the direction of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and respondents No.2 to 4 have also made statement to the effect that they would have no objection if the FIR *qua* the petitioners is quashed.

5. The learned Additional District and Sessions Judge, Kaithal has annexed statements of the parties in original alongwith his report.

6. In view of the report of the learned Additional District and Sessions Judge, Kaithal and the principles laid down by the Apex Court in ***Criminal Appeal No.1393 of 2011 titled as 'Ramawtar Vs. State of***

Madhya Pradesh' decided on 25.10.2021 : LL 2021 SC 589 and this Court in *Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising therefrom including judgment/order of conviction dated 01.12.2022/02.12.2022 passed by JMIC, Kaithal, are quashed qua the petitioners.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

29.04.2024
Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No